

VZCZCXRO8032  
PP RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO  
DE RUEHGO #0472/01 2091001  
ZNY CCCCC ZZH  
P 281001Z JUL 09  
FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC PRIORITY 9281  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 2187  
RUEHNE/AMEMBASSY NEW DELHI 5655  
RUEHUL/AMEMBASSY SEOUL 9255  
RUEHKO/AMEMBASSY TOKYO 6834  
RUEAIIA/CIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4636  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2631  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000472

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 07/28/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA: ASSK TRIAL CONCLUDES; VERDICT EXPECTED JULY 31

REF: A. RANGOON 390

[1](#)B. RANGOON 457

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) Closing arguments in the Aung San Suu Kyi (ASSK)/John Yettaw trial concluded July 28 with the defense rebutting the prosecution's allegations that ASSK willfully violated the terms of her house arrest. Yettaw tearfully told the court he would be willing to come back "again and again" if it meant he could save ASSK's life. ASSK thanked the few diplomats allowed to attend for their support and said the likely verdict is "painfully obvious." Judges announced plans to deliver their verdict in all the cases on July 31. End summary.

Defense Rebuts Prosecution's Closing Arguments

[1](#)2. (SBU) During the July 28 morning session, defense lawyers attempted to refute the prosecution's allegations that ASSK purposely failed to inform authorities of Yettaw's arrival at her house. They contended ASSK could only inform her doctor, who was due to visit the day after Yettaw was arrested, as ASSK, herself, had no direct access to authorities. Defense attorneys stressed that search and investigation procedures were not followed correctly. Yettaw's attorney said Yettaw is not a criminal. At the conclusion of the morning hearing, judges announced plans to deliver all verdicts on July 31.

ASSK: "Verdict Will Be Painfully Obvious"

[1](#)3. (SBU) At the end of the morning session, ASSK walked over to Charge, Consul and diplomats from Japan, Singapore and Thailand to express appreciation. "Thank you for your continuing concern. I'm afraid the final verdict will be painfully obvious. I'm not sure I'll see you on the 31st. Thank you for trying to promote a just outcome."

[1](#)4. (C) Meanwhile, one of ASSK's lawyers submitted to the court documents from the UN Working Group on Arbitrary

Detention which quoted MOFA in 2003 as saying ASSK had been placed in protective custody, not under house arrest. The court refused to admit the documents as evidence.

Yettaw: "I Would Come Back Again and Again..."

15. (SBU) The judges permitted an afternoon session, which ASSK did not attend, after Yettaw's attorney pleaded with the court to allow Yettaw to make a personal statement, focused on the municipal trespassing and immigration charges against the American. Prosecutors alleged Yettaw knew he was entering a restricted area and chose to enter anyway, violating the law. A very articulate, teary Yettaw addressed the court for fifteen minutes, via interpreter, initially complaining that he had not received interpretation services routinely during the trial and that his lawyer had not always followed his wishes. Yettaw said he believes the court is honorable and honest and he will honor the judges' verdict. Yettaw described his series of visions which drew him twice to Burma and particularly a "camcorder-perfect" vision about ASSK's impending assassination which compelled him to attempt to warn her. "I came to Myanmar to bless Myanmar, not to commit a crime. If it would save Daw Suu's life, I would come back again and again."

Comment

16. (C) The regime has taken great pains to conduct the

RANGOON 00000472 002 OF 002

trial with the trappings of a legitimate judicial process. The ASSK and Yettaw cases are both quite simple with few facts in dispute. The major flaws flow from the regime's decision to detain ASSK in the first place and then to prosecute her criminally on charges which, in essence, are frivolous. As noted in Ref B, beneath the surface the regime controls the results of political trials. ASSK's comments today leave no doubt she has concluded the regime intends to continue keeping her in some sort of detention.  
DINGER